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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

- - - - -

VOLUME I OF THE VIDEOTAPED
DEPOSITION OF MICHAEL DICKS, PhD, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 13th day of
February, 2009, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

TULSA FREELANCE REPORTERS
918-587-2878

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I N D E X

W I T N E S S	P A G E
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1 (Whereupon, the deposition began at
2 9:02 a.m.)

3 VIDEOGRAPHER: We are now on the Record for
4 deposition of Dr. Dicks. Today is February 13th,
5 2009. The time is 9:02 a.m. Would counsel please 09:02AM
6 identify themselves for the Record?

7 MR. GARREN: Richard Garren and Pat Green
8 for the State of Oklahoma.

9 MR. ELROD: John Elrod for Simmons Foods.

10 VIDEOGRAPHER: Telephone? 09:03AM

11 MR. BASSETT: Woody Bassett for the
12 George's defendants.

13 MR. SANDERS: Bob Sanders for the Cal-Maine
14 defendants.

15 MS. HILL: Theresa Hill for the Cargill 09:03AM
16 defendants.

17 VIDEOGRAPHER: Thank you. The witness may
18 be sworn in.

19 MICHAEL DICKS, PhD
20 having first been duly sworn to testify the truth,
21 the whole truth and nothing but the truth, testified
22 as follows:

23 DIRECT EXAMINATION

24 BY MR. GARREN:

25 Q Doctor, please state your full name to the 09:03AM

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1 MR. BURNS: Object to form.

2 A Yes.

3 Q Do you also agree that each defendants' choice
4 is based in part on the location of the grower in
5 relation to the feed mills, hatchery or processing
6 plants of that defendant?

11:42AM

7 A Yes.

8 Q Do you agree that each defendant controls the
9 number of growers it will have in a region or
10 complex?

11:42AM

11 A Yes.

12 Q And do you agree then as a result of that,
13 each defendant controls the density of the growers
14 it will have in an area or region or it's sometimes
15 referred to as complex?

11:43AM

16 MR. BURNS: Object to form.

17 A Yes. Certainly they would exhibit a certain
18 percent of that control, correct.

19 Q Why a percentage?

20 A Well, it takes two to sign a contract.

11:43AM

21 Q Okay, but the author of the contract is made
22 from the integrator, is it not?

23 A That's correct.

24 Q And so they choose a person to give an offer
25 to; is that correct?

11:43AM

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1 **A** Correct.

2 **Q** Would you agree with me each defendant
3 controls when and how many birds are to be grown by
4 their growers?

5 **A** Correct. 11:43AM

6 **Q** Would you agree that each defendant integrator
7 sets the schedule for when birds are in or out of
8 the growers' houses?

9 **A** Yes.

10 **Q** And do you agree with me that each defendant 11:43AM
11 controls the type and size of birds in the grower --
12 I'm sorry, I'll restate that. Do you agree with me
13 that each defendant controls the type and size of
14 birds that growers will grow for that integrator
15 defendant? 11:43AM

16 **A** State that again.

17 **Q** Would you agree that each defendant controls
18 the type and size of birds the growers will grow for
19 them?

20 **A** Well, you know, I guess my problem is with 11:44AM
21 your word control because do they -- do they -- you
22 know, do they guide it? Yes. Obviously they don't
23 have any control over what the producers do in terms
24 of the actual production. Do you follow me?

25 **Q** Let me clarify my question then. 11:44AM

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